

EXHIBIT NO. 12  
DATE 3-13-09  
BILL NO. HB 390

Dear Senator,

I am writing to you concerning House Bill 390. This is the bill that would change how outpatient birthing centers are licensed in the state of Montana. This is not a good bill for the citizens of Montana and should not be voted for. It will lower the standard of care for obstetric care and make it more dangerous and possibly fatal for mothers in labor and their newborn infants in our state.

Currently, there is one accredited outpatient birthing center in Montana in Great Falls. This is run by a certified nurse midwife and she has an agreement with a physician at Benefis Medical Center who has agreed to care for her patients in the hospital if such an occasion arises. The physician states that 3-4% of her patients need to be transferred per year, which is usually 3-4 patients in a year's time. The transfers are done by ambulance and the medical records come with the patients. He states that for the birthing center to be accredited by the state, the relationship between the midwife and physician needed to be established for the transfer of these patients. The midwife needs to have a physician for back up in the event the labor does not go as planned and converts from a low risk to a high risk situation.

HB 390 would make it possible for a midwife to establish a birthing center without such an agreement. The way the bill is written now, the midwife can establish when to transfer a patient according to the "scope of their practice" only. It says nothing about establishing a relationship with a physician for back up as is done in Great Falls. These centers need to establish a transfer agreement with a physician in order to be accredited. Without this, the standard of care for birthing centers is actually **lowered** in the state of Montana by the proposed bill. This does not make sense, why should the standard be lowered? Without the pre-established agreement for transfer of a patient when labor goes awry this can lead to a very awkward situation for both the patient and the accepting physician. For the patient she does not want to be in the hospital or else she would not have chosen the birthing center experience. The physician is placed in a situation where they had no control over the events that occurred during the labor and are usually placed in a high-risk situation.

Please understand that this is not a good bill for the state of Montana and I ask that you do not vote for it. Thank you for considering my concerns.

Sincerely

Drew Malany, MD FACOG  
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